

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF THE UNITED STATES

In re: William Edward Tabor
and Nancy Jane. Tabor

Debtors,:

William Edward Tabor and
Nancy Jane. Tabor,

Movants,

vs.

Select Portfolio Servicing,
Ronda J. Winnecour, the
Chapter 13 Trustee,

Respondents,

Case No.: 18-23487-TPA

Chapter 13

Docket Document No. 128,

Related to Document: 122 and POC 10-1
doc dated 4-15-2021

Hearing Date: June 23, 2021 at 9:30 AM
Via ZOOM

Response Date: May 28, 2021

SECOND OBJECTION TO NOTICE OF MORTGAGE PAYMENT CHANGE

Now comes the Debtors William E. Tabor and Nancy J. Tabor who file the within second objection to the Respondent's NOMPC filed at doc on April 15, 2021 and in support thereof aver the following:

- 1) On April 15, 2021, the Respondent filed a notice of mortgage payment change at POC 10-1, *doc*.
- 2) From the April 15, 2021 notice of mortgage payment change, there is an increase in the monthly payment due to an increase in the Debtor's homeowner's insurance.
- 3) The Debtors' acknowledge an increase in their homeowner's insurance of approximately \$600 per year due to them switching from Allstate to Erie Insurance.

4) However, the Debtors are perplexed with the increase in the escrow shortage especially when the Debtors modified their Chapter 13 Plan and kept their monthly payments the same despite a pending notice of mortgage payment change increasing the monthly payment by approximately \$25 per month.

5) Because the Debtor's monthly plan was confirmed on February 3, 2021 at Document 122, *Espinoza* applies.

6) Because *Espinoza* applies the current confirmed monthly payment disallows or disavows the prior increase for the escrow shortage.

7) As a result, the shortage on the current April 15, 2021 NOMPC cannot be correct and must be disallowed or disavowed with the Debtors receiving proper credit.

WHEREFORE, the Debtors respectfully request this Honorable Court deny the Respondent's April 15, 2021 notice of mortgage payment change.

Respectfully Submitted,

/S/ David A. Colecchia
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